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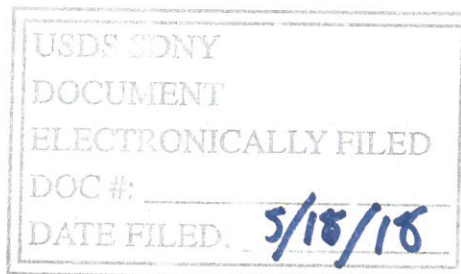
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May 17, 2018

**Via ECF**

Hon. Richard J. Sullivan  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2104  
New York, N.Y. 10007



**Re: Cottam v. Global Emerging Capital Group, 16-cv-04584 (RJS)**  
**Joint Motion for An Extension of Time To Complete Discovery After Mediation**

Dear Judge Sullivan:

The Plaintiff and the Defendants hereby respectfully jointly move to postpone the deadline for the taking of depositions (some or all of which hopefully will not be necessary) such that depositions must be completed within 30 days after the July 26, 2018 mediation that has been scheduled with Magistrate Judge Sarah Netburn. As explained below, there are special circumstances in this case that the parties respectfully submit justifies this partial extension for only part of discovery.

A mediation had initially been scheduled for June 28, 2018. However, this date was accidentally scheduled on the same date that Plaintiff – who is a physician – already was committed to perform surgery on a patient, whose health situation made moving that date impossible. Given Plaintiff's commitments to critical surgeries, as well as the schedules of the Magistrate Judge, and five other participants (including the insurer for Defendant 6D Global Technologies), the earliest date that worked for a mediation is the July 26, 2018 mediation date that has been now been scheduled. At the same time, there are very limited insurance funds remaining on the only insurance policy in play as to this action.

Given the limited insurance funds, although the parties (including Defendants, who reviewed 37 Gigs of data) will complete document production by the end of the currently scheduled May 30, 2018 discovery cutoff, the parties agree that it would be wasteful to be required to conduct all depositions in this case prior to the mediation. Such depositions will inevitably use up a significant portion of any remaining insurance. The parties respectfully submit that it would be more beneficial to give settlement one, last serious try before such a drain on insurance occurs if all depositions were required to be taken (which will require substantial preparation time given the size of document production which will have occurred). At the same time, to the extent that the parties wish to take certain depositions (including the deposition of Defendants' experts) if they believe this will help mediation, the parties will still have the ability to do so. This will enable the parties to avoid the need to take *all* depositions if they believe this can save insurance monies before the mediation.

In light of the above, the parties jointly and respectfully request that only certain of the deadlines set forth at Doc. 165, be extended as follows: document production to be complete by the

current 5/30/18 deadline; depositions of parties and experts to be completed within 30 days of the July 26, 2018 mediation before Magistrate Judge Netburn (leaving the parties free to take certain depositions prior to the July 26, 2018 mediation). The post-discovery conference and dates for pre-motion letters would be scheduled at Your Honor's convenience consistent with this requested extension.

As required by Your Honor's rules, we note that three previous extensions for only some of these deadlines were sought and granted (Docs. 149, 158 and 165).

The parties appreciate Your Honor's patience and understanding given the desire by counsel to seriously try to settle a case that involves limited insurance funds.

Respectfully submitted,

**CATAFAGO FINI LLP**

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IT IS HEREBY ORDERED that all discovery and depositions in this action shall be completed no later than Monday, August 27, 2018. IT IS FURTHER ORDERED that the deadline for the submission of pre-motion letters, currently May 30, 2018, is adjourned to August 27, 2018. IT IS FURTHER ORDERED that the post-discovery conference currently set for June 29, 2018 is adjourned to Friday, September 14, 2018 at 2:00 p.m. in Courtroom 905 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York.

SO ORDERED

Dated:

5/18/18

  
RICHARD J. SULLIVAN  
U.S.D.J.